Office-Supreme Court, U.S.
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ALEXANDER L. STEVAS
CLERK

No. 84-320

IN THE

Supreme Court of the United States

October Term, 1984

NATIONAL FARMERS UNION INSURANCE COMPANIES; AND LODGE GRASS SCHOOL DISTRICT NO. 27,
Petitioners,

v.

CROW TRIBE OF INDIANS; LEROY SAGE, A MINOR; FLORA NOT AFRAID, HIS GUARDIAN; THE TRIBAL COURT OF THE CROW INDIAN RESERVATION; EDDIE ROUNDFACE, GLEN BIRDINGROUND, AND IRA LEFTHAND, JUDGES OF THE TRIBAL COURT OF THE CROW INDIAN RESERVATION; CROW INDIAN TRIBAL COUNCIL; AND DONALD STUART, CHAIRMAN OF THE CROW INDIAN TRIBAL COUNCIL,
Respondents.

On Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit

JOINT APPENDIX

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PETITION FOR CERTIORARI FILED AUGUST 29, 1984
CERTIORARI GRANTED NOVEMBER 26, 1984
**Counsel of Record*

PRESS OF BYRON S. ADAMS, WASHINGTON, D.C. (202) 347-8203

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DOCKET ENTRIES
IN THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

Supreme Court
No. 84-320

Court of Appeals
Nos. 83-3606
83-3645

NATIONAL FARMERS UNION INSURANCE CO.'S
Petitioner,

V.

CROW TRIBE OF INDIANS, *et al*,
Respondent

PROCEEDINGS HAD IN THE UNTIED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT VOLUME I

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

No. 83-3606
Companion No. 83-3645

NATIONAL FARMERS UNION INSURANCE *et al.*,
Plaintiffs-Appellees,

VS.

CROW TRIBE OF INDIANS, *et al.*,
Defendants,

AND

LEROY SAGE, A MINOR AND FLORA NOT AFRAID,
Defendants-Appellants.

FILED in D.C.
November 3, 1982
HON. JAMES F. BATTIN
Judge

Notice of Appeal Filed
January 28, 1983

NATURE
3440—Civil Rights

For Appellees:
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LAMEBULL LAW FIRM
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Harlem, Montana 59526

(For Add'l. Counsel See Clerk's Card)

DATE	FILINGS-PROCEEDINGS
2-3-83	ASSIGNED DOCKET NUMBER—PREPARED JS-34 CARD. Clerk's Fee, Appellant, N/F. jw
2-3-83	DOCKETED CAUSE AND ENTERED APPEARANCE OF COUNSEL. jw
2-3-83	Sent 19(b) billing letter for failure to pay docket fee. jw
2-10-83	Rec'd copy of dc order file dtd Feb. 4, 1983, re: granting aplts leave to proceed on appeal in forma pauperis. (case file) Clerk's fee, Appellant, F/P. db
2-22-83	FILED CERT OF RECORD (N/T). jw
2-28-83	APLT'S OPENING BRIEF DUE APRIL 11, 1983. jw
3-21-83	Filed aplts' mtn for removal to district court for additional findings of fact. (CIVATT) 3/15 db
4-4-83	Filed aples' opposition to aplts' mtn for removal to district court for additional findings of facts. (CIVATT) 3/31 db
4-14-83	Filed orig and 4 copies of aplt's (SAGE) opening brief and 5 copies of the excerpt of the record, (24 pages), (4/11/83). jw
5-10-83	Filed Order (FLETCHER, CANBY) Aplts' mtn. for a remand to the district court for additional findings of fact is denied. Appeals 83-3606 and 83-3645 are consolidated. The opening brief of aplts' Crow Tribe of Indians and Crow Tribal Court shall be filed within 28 days of the entry of this order. Aples' consolidated answering brief shall be filed according to the provisions of Fed. R. App. P. 31. ru
5-16-83	Recv'd Combined Mtn. by Aples' for consolidation of appeals and for extension of time within which to file Aples' brief. (5/11/83) (Mtn. is Moot, see 5/10/83 Order., notified counsel), case file. ru

DATE	FILINGS-PROCEEDINGS
6-22-83	Filed as of 6/17 per 3 day oral ext., orig and 15 copies of aplt's (CROW TRIBE OF INDIANS) opening brief and 5 copies of the excerpts of the record, (21 pages). (6/13/83). jw
6-22-83	Filed as of 6/16, aplt's (CROW TRIBE OF INDIANS) motion to join in excerpt of record, (CIVATT). jw
7-5-83	Filed order (Dpty clrk, RGRS) the mtn by aplts Crow Tribe of Indians, et al to join in the previously filed excerpt of record is granted. Subject to reconsideration if opposition filed within 10 days. db
7-18-83	Filed aple's motion for extension of time to file brief, (7/13). dm
7-18-83	Filed Order (DPTY CLK) Aples in the above captioned case are granted an extension of time to and including August 3, 1983 to file their briefs. dm
8-4-83	Filed orig and 15 copies of aple's brief, (13 pages), (8/2/83). jw
8-4-83	Sent notice to all counsel re: designation of clerk's record. jw
8-11-83	Rec'd aplt's response to letter sent 8/4, re: designation filed in d.c. (8/9/83). jw
8-11-83	Rec'd aple's response to letter sent 8/4, re: designation filed in d.c. (8/2/83). jw
8-11-83	FILED AS OF 2/22/83, CERT RECORD ON APPEAL IN 1 VOLUME. PLEADINGS VOL. I, CERT COPY. jw
8-18-83	Filed orig and 5 copies of aplt's (SAGE & NOT AFRAID) reply brief, (12 pages), (8/15/83). jw

DATE	FILINGS-PROCEEDINGS
8-18-83	Filed aplt's (SAGE & NOT AFRAID) motion to suspend rules for oral argument and summarily reverse lower court, (8/15/83), (CIVATT). jw
8-22-83	Filed orig and 15 copies of aplt (CROW TRIBE OF INDIANS) reply brief, 16 pages, 8/18/83. jw
8-26-83	Filed Order (DPTY CLK) Aplt's "motion to suspend rules for oral argument and summarily reverse lower court" is construed as a motion to submit these appeals without oral argument and is referred to the panel that will consider the merits of the appeals. dm
8-31-83	Filed as of 8/19/83 SUPPLEMENTAL CERTIFIED RECORD ON APPEAL IN ONE VOLUME; CLERK'S RECORD PLDGS. VOL. TWO. (1-COPY). RECORD NOW IN TWO VOLUMES. ru
11-2-83	Rec'd as of 10/31/83, from counsel for Aplts' Letter dated 10/23/83. RE: Order of 8/26/83. (PANEL). ru
11-15-83	Filed order (dpty clrk for ct) the mtn to dispense with oral argument is denied. The argument will be heard as scheduled on Dec. 6, 1983 in Seattle, Washington. db
11-23-83	Filed, as of 11/21/83, in Seattle, Order (DPTY CLK) It is ordered that counsel be prepared to discuss during oral argument, scheduled for Seattle on Dec. 6, 1983, the effect of No. 82-3636, *R.J. Williams Company, Richard J. Williams and Fireman's Fund Insurance Co.* v. *Fort Belknap Housing Authority*, on this case. (served by Deputy in Seattle). dm
12-6-83	ARGUED & SUBMITTED BEFORE: WRIGHT, ANDERSON, & FLETCHER, CJJ. dm

DATE	FILINGS-PROCEEDINGS
7-3-84	ORDERED OPINION FILED (FLETCHER), (WRIGHT DISSENTING IN PART AND CONCURRING IN THE RESULT) AND JUDG TO BE ENTD. dm
7-3-84	FILED OPINION—RESERVED. dm
7-3-84	FILED AND ENTERED JUDGMENT. dm
7-12-84	Filed Aplt's Bill of costs. (7/10). ru
7-25-84	MANDATE ISSUED
8-17-84	Filed aple's emergency motion for recall of mandate, (8/16), (to lead Judge). jw
8-17-84	Filed aplt's response in opposition to emergency motion for recall of mandate, (8/17), (to lead Judge). jw
8-20-84	Filed Order (WRIGHT, ANDERSON & FLETCHER) Aples' emergency motion to recall the mandate is denied. dm
8-30-84	Rec'd, as of 8/27, certified copy of SC order dated 8/23 granting aples' motion for recall of mandate and staying mandate pending further order of the S.C., (PANEL). dm
9-27-84	Rec'd as of 9/14, certified copy of SC order dated 9/10 continuing the stay of mandate, (PANEL). jw
9-28-84	Rec'd as of 9/17, SC notice dated 8/29 re: notice of filing petition for certiorari. SC # 84-320 jw
12-6-84	Rec'd certified copy of SC order filed 11/26/84 granting cert. (panel) db

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

No. 83-3645
Companion No. 83-3606

NATIONAL FARMERS UNION INSURANCE COMPANIES, A UTAH CORPORATION, AND LODGE GRASS SCHOOL DISTRICT 27

Plaintiffs-Appellees,

VS.

CROW TRIBE OF INDIANS OF MONTANA, *et al.*,

Defendants-Appellants.

FILED in D.C.
November 3, 1982
HON. JAMES F. BATTIN
Judge

Notice of Appeal Filed
February 16, 1983

NATURE
3440—Civil Rights

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(See Clerk's Card for Additional Counsel)

DATE	FILINGS-PROCEEDINGS
2-22-83	DOCKET NUMBER ASSIGNED. JS34 prepared. Clerk's fees, Appellant, $65. db
2-28-83	DOCKETED CAUSE & ENTERED APPEARANCES OF COUNSEL. db
3-21-83	Filed in 83-3606, aplts' mtn for removal to district court for additional findings of fact. (CIVATT) 3/15 db
5-10-83	Filed 83-3606 Order (FLETCHER, CANBY) Aplts' mtn. for a remand to the district court for additional findings of fact is denied. Appeals 83-3606 and 83-3645 are consolidated. The opening brief of aplts' crow tribe of Indians and Crow Tribal Court shall be filed within 28 days of the entry of this order. Aples' consolidated answering brief shall be filed according to the provisions of Fed. R. App. P. 31. ru
5-10-83	Filed as of 2/22/83 CERTIFICATE OF RECORD. (N/T) FOR FURTHER PROCEEDING SEE 83-3606 ru
12-6-83	ARGUED & SUBMITTED BEFORE: WRIGHT, ANDERSON & FLETCHER, CJJ. dm
7-3-84	ORDERED OPINION FILED (FLETCHER), (WRIGHT DISSENTING IN PART AND CONCURRING IN THE RESULT) AND JUDG TO BE ENTD. dm
7-3-84	FILED OPINION—REVERSED. dm
7-3-84	FILED AND ENTERED JUDGMENT. dm
7-25-84	MANDATE ISSUED
8-17-84	Filed aple's emergency motion for recall of mandate, (8/16), (to Lead Judge). jw
8-17-84	filed aplt's response in opposition to emergency motion for recall of mandate, (8/17), (to Lead Judge).

DATE	FILINGS-PROCEEDINGS
8-20-84	Filed, in 83-3606, Order (WRIGHT, ANDERSON & FLETCHER) Aples' emergency motion to recall the mandate is denied. dm
8-30-84	Rec'd in 83-3606, as of 8/27, certified copy of SC order dated 8/23 granting aples' motion for recall of mandate and staying mandate pending further order of SC, (PANEL). dm
9-27-84	Rec'd in 83-3606, as of 9/14, certified copy of SC order dated 9/10 continuing stay of mandate, (PANEL). SC #84-320 jw
12-6-84	Rec'd in 83-3606, certified copy of SC order dated 11/26/84 granting cert. (panel) db

DOCKET ENTRIES IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MONTANA, BILLINGS DIVISION

Plaintiffs
NATIONAL FARMERS UNION INSURANCE COMPANIES, A UTAH CORPORATION, AND LODGE GRASS SCHOOL DISTRICT NO. 27

Defendants
CROW TRIBE OF INDIANS OF MONTANA, THE CROW INDIAN TRIBAL COUNCIL, THE TRIBAL COURT OF THE CROW INDIAN RESERVATION;

ROUNDFACE, EDDIE, BIRDINGROUND, GLEN, AND LEFT HAND, IRA, JUDGES OF THE TRIBAL COURT OF THE CROW INDIAN RESERVATION; AND

STUART, DONALD, CHAIRMAN OF THE CROW INDIAN TRIBAL COUNCIL

FLORA NOT AFRAID, AS GUARDIAN FOR LEROY SAGE, & LEROY SAGE

CAUSE
(Cite the U.S. Civil Statute under which the Case is Filed and Write a Brief Statement of Cause)

---

25 USC 1302 Rule 65 F.R.C.P.

Pltfs seek temporary restraining order, preliminary injunctions & permanent injunction restraining defts from asserting jurisdiction over pltfs in Crow Tribal Crt & from enforcing a judgment rendered in Crow Tribal Crt.

Attorneys

Plaintiffs

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HERNDON, HARPER & MUNRO
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652-1010

Defendants

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Blgs, 59102

CLARENCE T. BELUE, ESQ.
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JAMES SEYKORA, ESQ.
314 No. Custer
Hardin, MT 59034

FILING FEES PAID			STATISTICAL CARDS	
DATE	RECEIPT NUMBER	C.D. NUMBER	CARD	DATE MAILED
11-3-82	3461—$60.00		JS-5	11-05-82
			JS-6	

PLAINTIFF	DEFENDANT	
Nat'l Farmers Union Ins. et al	Crow Tribe of MT et al	Docket No. 82-230-BL Page__of__Page__

DATE	NR.	PROCEEDINGS
11-3-82	1	Filec Civil Cover Sheet.
11-3-82	2	Filed Pltfs Mot for TRO.
11-3-82	3	Filed Pltfs Mot for Preliminary Injunction.
11-3-82	4	Filed Pltfs Certification & Affdvt of Attorney.
11-3-82	5	Filed Verified Complaint.
11-3-82	6	Filed Temporary Restraining Order: It Is ORDERED that defts, their agents, servants, employees & attys & all persons in active concert or participation w/them are hereby restrained from attempting to assert jurisdiction over pltfs or issuing writs of execution out of Cause No. Civ. 82-287 of the Crow Tribal Crt until this Crt orders otherwise further ORDERED that bond should not be required of pltfs; further ORDERED that this order will expire 10 days after entry unless prior to said time it is for a good cause shown extended for longer period; further ORDERED that pltfs mot for preliminary injunction be set for hrg on Nov. 15, 1982, at 9:00 a.m. in Crtrm in Blgs; iss'd this 3rd day of Nov., 1982.
11-3-82		Issmd Sms. Del'd orig + 7 w/cy. of TRO, MOT for TRO, Mot for prelim Injunction, Verified complt & form 285 to USM for svc. Cert cy. of TRO & cy. of sms handed to USM.

DATE	NR.	PROCEEDINGS
11-3-82		Ent Rec of Proc: Pltf Co. Hartman moves for TRO; pres stats thereof. Mr. Belue pres stats on behalf of Leroy Sage—not party at this time. Crt suggest pltf amend complt to include L. Sage. Crt set hrg on Preliminary Injunction for Nov. 15, 1982, at 9:00 a.m.
11-10-82	7	Filed Summons w/cert. copy of Temporary Restraining Order & USM 285 at'd; Served Crow Tribe of Indians of Montana on 11-9-82; Served Glen Bird in ground on 11-9-82; Served Eddie Round face on 11-9-82; Served Crow Indian Tribal Council on 11-9-82; Served Donald Stuart on 11-9-82; Served Ira Left hand on 11-9-82; Served Crow Tribal Court on 11-9-82.
11-15-82	8	Filed Defts Mot to Dismiss for Lack of Jurisdiction w/Sprt Brf att'd; cert of svc thereon.
11-15-82	9	Filed Pltfs Affdvt of Co. re: joinder of Parties.
11-15-82		Lodged proposed Order allowing joinder of Parties; del'd to JFB.
11-15-82	10	Filed Pltfs Mot to Extend TRO; cert of svc thereon.
11-15-82		Lodged proposed Order extending TRO; del'd to JFB.
11-16-82	11	Filed Deft Sage Mot to Dismiss; cert of svc thereon.
11-16-82	12	Filed Deft Sage Brf in Sprt of Mot to Dismiss; cert of svc thereon.
11-24-82	13	Filed Pltfs' Resp. to Mots. to Dism. for Lack of Jurisdiction w/cert. of mailing thereon.
11-24-82	14	Filed Pltfs' Amendment to Complaint w/ cert. of mailing att'd.

DATE	NR.	PROCEEDINGS
12-3-82	15	Filed Defts Reply to Pltfs Response Oppo defts' Mot to Dismiss. Cert of svc attchd.
12-3-82	16	Filed Notice of Hrg on Mot by Pltf. Cert of Svc attchd. Set for Dec 14, 1982 at 9:00 a.m. in Blgs.
12-6-82	17	Filed Deft Sage Brf in Reply to Pltfs' Brf in Response to Mot to Dismiss. Cert of svc thron.
12-13-82		Lodged Defts Application for Limited Admission and Proposed ORDER Thro.
12-13-82	18	Filed ORDER that Flora Not Afraid, as guardian for Leroy Sage, & Leroy Sage be added as ptys deft hereto. The Crt understands that these 2 pt thru their counsel will enter their appearance in this case. Cpys mail to co of rec.
12-14-82	19	Filed Not. of Appearance as attys of record by Thomas Acevedo & Francis Lamebull w/cert of srv thereon.
12-14-82	20	Filed Deft's Brief in Opp. to Pltfs Mot. for a Preliminary Injunction w/cert of srv thereon.
12-14-82	21	Filed Appl. for Limited Admission & ORDER that pursuant to Rule 1(c) of the Rules of Practice of the US Dist. Crt for the Dist. of MT, Thomas R. Acevedo is hereby permitted to appear & participate in this action as counsel for Deft. Crow Indian Tribe, et al. Copies mailed to counsel of record.
12-14-82		Ent. Rec. of Proc. Attys stats on Mot. to Dismiss & PI. Matter deemed submitted & taken under advisement.

DATE	NR.	PROCEEDINGS
12-29-82	22	Filed ORDER that the indiv. defts. Leroy Sage, a minor; his guardian, Flora Not Afraid; their counsel; the indiv. defts. named above & anyone attempting to act on the basis of Crow Tribal Court Case 82-287, are enjoined by a permanent inj. from executing n any judgment or pressing any claim against the pltfs in the above-captioned case arising from the May 27, 1982, injury to Leroy Sage. IT IS FURTHER ORDERED that the Crow Tribal Court is without jurisdiction over the tort claim raised by Leroy Sage, an Indian, against non-Indians, that arose out of events on non-Indian fee land. *See*, MT v. US, 450 US 544 (1981), *Swift Transportation vs. John*, 546 F.Supp. 1185 (D.C. Ariz. 1982). IT IS FURTHER ORDERED that defts' mot. to dism. is denied. Copies mailed to counsel of record.
1-14-83	23	Filed Deft's Mot to Reconsider Crt's Order of Dec 29, 1982 w/cert of svc attchd.
1-26-83	24	Filed Memorandum Opinion. Sent copies to co of rec.
1-26-83	25	VOL XVI PG. 1105 Filed and Entered JUDGMENT that the Indiv defts Leroy Sage, a minor; his guardian, Flora Not Afraid; their counsel; the indiv defts named above and anyone attempting to act on the basis of Crow Tribal Court Case 82-287, are enjoined by a permanent inj from executing on any judgment or pressing any claim against the pltfs in the

(Continued)

DATE	NR.	PROCEEDINGS
		above captioned case arising from the May 27, 1982, injury to Leroy Sage. IT IS FURTHER ORDERED that the Crow Tribal Court is without jurisdiction over the tort claim raised by Leroy Sage, an Indian, against non-Indians, that arose out of events on non-Indian fee land. *See*, MT v. US, 450 US 544 (1981), *Swift Transportation vs. John*, 546, F. Supp. 1185 (D.C. Ariz. 1982) IT IS FURTHER ORDERED that defts' mot to dismiss is denied. Copies mailed to counsel of record.
1-28-83	26	Filed *NOTICE OF APPEAL* on behalf of Leroy Sage & Flora Not Afraid.
1-31-83		Mailed Cert cpy of N/A, Docket fee notification form, cert cpy of Docket sheets & Case info sheet to C/A/ Mailed to Co of Rec.: cpys of N/A, Not to ptys in CV appeals, docket sheets & in addition to applnt the Transcript desig & ordering form w/cover letter.
2-4-83	27	Filed Motion to Proceed in Forma Pauperis. Cert of svc to come.
2-4-83	28	Filed Aff in Sup of Motion to Proceed in forma Pauperis w/cert of svc to come.
2-4-83	29	Filed ORDER that the motion of defts Sage and Not Afraid for leave to proceed in Forma Pauperis upon appeal is granted. Cpys sent to co of rec. Cpy of Order mailed to C/A.
2-10-83	30	Filed appellees concurrance that no transcript of proceedings will be ordered. w/ cert of srv thereon.

DATE	NR.	PROCEEDINGS
2-16-83	31	Filed *NOTICE OF APPEAL* on behalf of the Crow Tribe of Indians.
2-16-83		Mailed Cert cpy of N/A, Docket fee notification form, cert cpy of docket sheets to Ninth Circuit. Mailed o Co. of Rec: cpys of N/A, Not. to ptys in CV appeals, cpy of docket sheets & in addition to aplnt the Transcript desig & ordering form w/cover letter.
2-16-83	32	Filed cpy 1, aplnts (Sage & Not Afraid) Transcript Desig. & Ordering form. Mailed CERTIFICATE OF RECORD to C/A.
2-25-83		Phoned Thomas Acevedo & inquired on Deft's Mot. to Reconsider Crt's Order filed 1-14-83; Mr. Acevedo advised that the initial mot. had been filed prematurely & they will not be renewing the mot.
3-4-83	33	Filed Cpy 1, aplnts (Crow Tribe) Transcript Desig & Ordering Form. Mailed CERTIFICATE OF RECORD to C/A.
4-12-83	34	Filed Aplnts Design of Record w/cert of srv thereon (82-3606)
5-16-83	35	Filed ORDER from C/A: Aplnts mo/for a remand to the dist crt for add. findings of fact is denied. Appeals 83-3606 & 83-3645 are consolidated. The opening brief of aplnts Crow Tribe of Indians & Crow Tribal Crt shall be filed w/in 28 days of entry of this order. Aplees consolidated answering brief shall be filed according to FRAP 31.
7-25-83	36	Filed ORDER that the aplees are granted an ext. of time to 8-3-83 to file their briefs. This order subj to reconsideration if any opp. is filed w/in 10 days of entry of this order.

DATE	NR.	PROCEEDINGS
8-2-84	40	Filed ORDER that plaintiffs' complaint is dismissed for failure to state a claim for federal relief. Copies mailed to counsel of record.
8-6-84		Copy mailed to Big Horn County Atty.
8-27-84	41	Filed ORDER from Supreme Crt of US that the mandate of the US C/A for the 9th Circuit is stayed pending further order of the Supreme Crt or of the Crt.
9-10-84	42	Filed ORDER that the order of this crt entered on 8-2-84 dismissing the action is hereby rescinded. FURTHER ORDERED that the Order of this Crt of 12-29-82 is reinstated, subj. to further order of this Crt & action of the US Supreme Crt, & that the individual defts Leroy Sage, a minor, his guardian, Flora Not Afraid, their counsel, the individual defts named above, & anyone attempting to act on the basis of Crow Tribal Crt civil case 82-287, are enjoined from executing on any judgment or selling any property by execution or pressing any claim against the pltfs in this case arising from the 5-27-82, injury to Leroy Sage. Cpys mailed to co. of rec.
9-13-84	*43*	*Filed Motion re:supreme crt order of 9-10-84. w/cert of srv by phone.*
9-14-84	44	Filed Cert cpy of Order from Supreme Crt of US: Upon Further Consideration of the application of co. for the pet. the response filed thereto & the reply filed thereto, IT IS ORDERED that my order entered 8-21-84 be cont. pending this Crt's action

(Continued)

DATE	NR.	PROCEEDINGS
		of the pet. for writ of cert. If the pet. for writ of certiorari is denied, this order is to terminate automatically. In the event the pet. for writ of cert is granted, this order is to remain in effect pending the sending down ct the judgment of this Crt. Opinion atchd. by Justice Rehnquist.
10-9-84	45	Filed Mot. for Return of School Property Seized Pursuant to Tribal Court Writ of Execution on behalf of pltfs w/cert of srv thereon.
10-9-84	46	Filed Affidavit in Supp. of Mot. for Entry of Order Regarding Seized Property w/cert of srv thereon.
10-11-84	47	Filed Mot. & Brief Opposing Mot/of Pltfs w/ cert of srv thereon.
11-9-84	48	Filed Pltfs Notice of Hearing on Motion for return of property seized to be heard 11-15-84 at 10:30 a.m. w/crt of svc thrn.
11-13-84	49	Filed Pltfs' Brf of Pltfs Re: A Posting of Bond & Retn of its Property Seized by Defts w/cert. of mailing.
11-15-84		ENT. REC. OF PROC: Pltf. argued its mot. to return school property Deft. Sage & Not Afraid opposed the motion; pltf. replied; Matter taken udner advisement.
11-16-84	50	Filed Defts. Sage & Not Afraid's Withdrawal of Motion w/cert. of serv.
12-10-84	51	Filed ORDER that the individual defts shall cause the school dist. property seized purs. to a Crow Tribal Crt writ iss'd on 8-1-84, to be retrnd to the school dist. w/in 5 days of the date of this Order. Cpys mailed to co. of rec.

DATE	NR.	PROCEEDINGS
12-13-84		Rec'd phone call from Mr. Belue advising he had not rec'd his copy of Order; mailed 2nd copy to counsel Belue.
12-19-84	52	Filed ORDER that the USM is directed to serve this day the following docs. on file in the case on the Crow Tribal Court, Crow Agency, MT and Atty Clarence T. Belue, Hardin, MT: 1) The injunc. order of Dec. 29, 1982; 2) The order of Sept. 10, 1984, reinstating the Dec. 29, 1982, injunction order; 3) The opinion & order of Dec. 10, 1984, requiring the indiv. defts to cause the retn of the school district property to the Lodge Grass School District. Copies mailed to counsel of rec. w/the exception of Mr. Belue who will be served personally. Handed cert. copy to USM w/2 sets of docs. #52, #51, #42 & #22 per order, for service.
12-20-84	53	Filed Pltfs Motion for Contempt, Imposition of Fines, Reimbursement of Attys' Fees and Costs, Recovery of Property and Hearing w/crt of svc thrn.
12-20-84	54	Filed Affidavit of Donald L. Harris w/crt of svc thrn.
12-20-84	55	Filed ORDER that a hearing will be held on the pltfs motion filed 12-19-84 [Mot for Contempt, Imposition of Fines]. Hearing to be held on 1-3-85 at 9:30 a.m. Counsel are directed to attend. Mailed copies to co of rec. Cert mail receipt #P599033108.
12-21-84	56	Filed Copy of Order of 12-19-84 w/USM form 285 at'd; sevd Glenn Birdinground on behlf of Crow Tribal Crt on 12-20-84.

DATE	NR.	PROCEEDINGS
12-21-84	57	Filed Return to Order of 12-20-84 from atty Belue for defts Flora Not Afraid and Leroy Sage w/crt of svc thrn and attchmts.
12-28-84	58	Filed Withdrawal & ORDER OF WITHDRAWAL of Contempt Mot. Filed by Pltf National Farmers Union Ins. Co. HEREBY ORDERED that the Contempt Mot. filed by Nat'l Farmers Union INs. Co. is w/drawn & that the hrgin set for consideration of said Mot. is vac. This Order, however, does not apply to the Contempt Mot. filed by the Lodge Grass School Dist. & the hrging set in connection w/ that matter. Cpys mailed to co. of rec & Crow Tribal Crt.
12-28-84		Is'd subp on behalf of pltf.
1-2-85	59	Filed Subp w/retrn thereon srvd 12-31-84.
12-28-84	60	Filed Pltf Lodge Grass School Dist. #27's Brief in Supp. of Mot. for Contempt, Inposition of Fines, Reimbursement of Attys fees & costs & Recovery w/cert of srv thereon.
1-2-85	61	Filed Response to Pltfs Mot. for Contempt, Imposition of Fines, Reimbursement of Attys Fees & Costs, Recovery of Property & Hrging w/cert of srv thereon.
1-2-85		Iss'd Subp. on behalf of pltf., handed Orig. to runner.
1-3-85		Is'd Subp; handed orig to Pltf co for svc.
1-3-85		Ent. Rec. of Proc. Co. for School Dist Ramirez stat on mot. for contempt. Moved for cont. of this hrging if Judge Roundface presence is nec. Wit. S/E,

(Continued)

DATE	NR.	PROCEEDINGS
		Exh. of'd & rec'd. Crt will grant a cont. Will try to call in another judge & will notify co. of hrging date. Co. to let Crt know how much time they need to prepare.
1-3-85	62	Filed Mot. for Contempt, Imposition of Fines, Reimbursement of Attys Fees & Costs, Recovery of Property, & Hrging on behalf of pltfs w/cert of srv thereon.
1-3-85	63	Filed Affidavit of Rodney Hartman w/cert of srv thereon.
1-3-85	64	Filed Response of Clarence T. Belue, Flora Not Afraid & Leroy Sage to Mot. for Contempt, Mot. for Disciplinary Action against Jack Ramirez, Donald L. Harris, & Rodney T. Hartman, & Brief, srvd on all co. in Crtrm.
1-3-85	65	Filed Mot. re: attempts by pltfs to introduce evid. re Order of Tommy Roundface. Srvd on all co. in crtrm.
1-10-85	66	Filed Atty Richard Anderson's Notice of Appearance on behalf of J. Ramirez, D. Harris, & Rod Hartman w/crt of svc thrn.

APPENDIX A

TITLE 3 ESTABLISHMENT OF TRIBAL COURTS AND TRIBAL CODES

Chapter 1 Establishment of Crow Tribal Courts

Section 101 Crow Tribal Court

(a) There is hereby established the "Crow Tribal Court"

(b) The Crow Tribal Court shall be a court of general civil and criminal jurisdiction and shall hear appeals from final decisions of

(1) Tribal administrative bodies.

(2) The "Small Claims" session of Crow Tribal Court.

Section 102 Crow Juvenile Court

(a) There is hereby established the "Crow Juvenile Court"

(b) The Crow Juvenile Court shall have original and exclusive jurisdiction over all cases arising under the Tribal Juvenile Code as set forth in Title 9 of the Crow Tribal Code.

Section 103 Crow Court of Appeals

(a) There is hereby established the "Crow Court of Appeals."

(b) The Crow Court of Appeals shall have original and exclusive jurisdiction to hear all appeals from final judgments and/or orders of the Crow Tribal Court and the Crow Juvenile Court.

Section 104 Applicable Law

(a) The laws and treaties of the United States shall be the

applicable law in the Crow Tribal Court where they apply to the Crow Indian Reservation or the Crow Tribe as a matter of federal law or where incorporated by reference in Tribal Law.

(b) In all other cases, the ordinances and resolutions of the Crow Tribe as well as the provisions of the Crow Tribal Code shall be the law applied in the Crow Tribal Court.

(c) Wherever the issue in controversy shall not be resolved by federal law or by the laws of the Crow Tribe, the judge may seek authority in the custom, usage, and jurisprudence of the Crow Tribe, traditional or modern, and to common law jurisprudence both in law and equity.

(d) State laws and federal laws not applicable to the Crow Tribe or the Crow Indian Reservation shall not be deemed applicable law in any proceeding, except as provided herein, unless agreed to be applicable by the parties by stipulation with consent of the court, nor shall they be construed to have any greater authority than the laws or customs or usage of the Crow Tribe.

Chapter II Jurisdiction of Crow Tribal Courts

Section 201 Policy.

It is the intention of the Crow Tribe of Indians to exercise that jurisdictional authority which has not otherwise been enclosed by acts of the United States Congress and failure to legislate in a particular area shall not be deemed a waiver of that authority. The jurisdiction of the Crow Tribal Courts shall be used to insure due process and equal protection of the law for all persons residing within and entering the boundaries of the Crow Indian Reservation.

Section 202 Jurisdiction—Territorial

The jurisdiction of the Crow Tribal Courts shall extend to any and all lands within the exterior boundaries of the Crow

Indian Reservation as the same may exist from time to time including all easements, rights-of way, and fee patented lands within such boundaries.

Section 203 Jurisdiction—Personal

(a) The Crow Tribal Court shall have jurisdiction over all persons who reside, enter, and/or transact business within the exterior boundaries of the Crow Indian Reservation, provided that the Court shall not exercise criminal jurisdiction over non-Indians.

(b) For purposes of jurisdiction, "persons" shall include individuals, businesses, partnerships, associations, cooperatives, and corporations.

Section 204 Jurisdiction—Property

(a) The Crow Tribal Court shall have jurisdiction over all property, real and personal, which is located within the exterior boundaries of the Crow Indian Reservation. Such jurisdiction shall extend to the determination of ownership rights in property, interests in property, and the application of property to the satisfaction of a judgment for which the owner of the property is deemed to be liable.

(b) The jurisdiction of the Crow Tribal Courts shall be limited only by federal law; *provided however*, that the Crow Tribal Court shall have jurisdiction to render money judgments against persons, businesses, partnerships, corporations, and cooperative associations who are not subject personally to the jurisdiction of the court only if the action is commenced by an attachment of the defendant's property which is located within the exterior boundaries of the Crow Indian Reservation. Unless the defendant subjects himself to the jurisdiction of the court, any judgment in an action commenced by the attachment of property belonging to a party not person-

ally subject to the jurisdiction of the court may be executed only against the property actually attached.

Section 205 Jurisdiction—Subject Matter

The Crow Tribal Courts shall have jurisdiction over all civil causes of action arising within the exterior boundaries of the Crow Indian Reservation and over all criminal offenses which are enumerated in Title 7 of the Crow Tribal Code and which are committed within the exterior boundaries of the Crow Indian Reservation.

Section 206 Sovereign Immunity

Nothing contained in the preceeding provisions on jurisdiction, or any other provision of the Crow Tribal Code shall be construed as a waiver of the sovereign immunity of the Crow Tribe, its officers, or businesses, unless specifically waived.

APPENDIX B

TITLE 5. RULES OF CIVIL PROCEDURE

Rule 1. Scope of the Rules.

These rules shall govern the procedures in the Crow Tribal Court in all suits of a civil nature. They shall be construed to secure the just, speedy, and inexpensive determination of every action.

Rule 2. Commencement of a Civil Action.

A civil action is commenced by filing a written complaint, copies of the complaint for each named defendant and the court, and payment of $10.00 filing fee with the Clerk of the Crow Tribal Court.

Rule 3. Form of the Civil Complaint.

All civil complaints must include the name of the court, the names and addresses of all parties to the action, and introductory statement setting forth the type of civil action involved, a jurisdictional statement, factual allegations, claims, relief sought, and certification of the complaint that all statements are true and correct.

Rule 4. Service of Process.

(a.) Summons: Issuance—Upon filing of a civil complaint, the Clerk of the Crow Tribal Court shall issue a summons and present the summons to an authorized process server for delivery to the named defendant(s).

(b.) Same: Form—The summons issued by the Clerk of the Crow Tribal Court shall include the name of the court, the names of all parties, be directed to the named defendant(s), state the name of the plaintiff and the name of the plaintiff's

legal representative. The summons shall also clearly state the time and date the named defendant(s) must appear, defend, and answer the complaint, either in person in open court or by written document. The summons shall also state in bold print that defendants's failure to appear, defend, and answer at the time and date set forth will cause a judgment by default to be rendered against him for the relief demanded by plaintiff.

(c.) Complaint—A true and correct copy of the complaint shall be delivered to the defendant along with the applicable civil summons.

(d.) Service of Process—

(1) Defendants within the exterior boundaries of the Crow Indian Reservation: If the named defendant(s) is within the exterior boundaries of the Crow Indian Reservation, the summons and complaint shall be served by the Crow Police on such defendant(s) either personally, or at his dwelling house or usual place of abode by leaving copies of the summons and complaint with some person of suitable age and discretion residing at that same place.

(2) Defendants outside the exterior boundaries of the Crow Indian Reservation: If a named defendant(s) or his property is subject to the jurisdiction of the Crow Tribal Court, but he is outside of the exterior boundaries of the Crow Indian Reservation, a copy of the summons and complaint shall be mailed certified/return receipt requested to his home and/or business address so as to give the named party reasonable notice of the action and a reasonable opportunity to be heard.

(3) Defendants of unknown whereabouts: If, after careful investigations, a named defendant who comes within the jurisdiction of the Crow Tribal Court cannot be located, then the Crow Tribal Court shall direct that service of process be accomplished by publication. Notice of the civil action shall be published in a local newspaper of

general circulation in Big Horn County, Montana, for three (3) consecutive issues.

(e.) Service of Process: Return—The person serving the summons and complaint on the named defendant(s) shall promptly provide the Crow Tribal Court with proof that service was made. If service of process is made either by mail or publication, the Clerk of the Crow Tribal Court shall collect and retain the appropriate materials showing such service was made. All proof of service documents shall be made part of the applicable case file.

Rule 5. Service of Other Pleadings and Motions.

(a.) General. Every pleading or motion, other than plaintiff's original complaint, ex parte motions, or third party demands, shall be served upon each of the parties to the action and filed with the Clerk.

(b.) Time. Motions shall be served and filed no less than five (5) days before hearing the movant's demand. Incidental demands, except third-party demands, shall be served and filed within the time set out in Rule 8; answers shall be served and filed within the time prescribed in Rule 6.

(c.) Manner of Service. Service shall be made upon each attorney of record and each party not represented by an attorney through certified mail or by delivery to the attorney's office or the party's residence. Each pleading or motion filed with the Clerk shall be accompanied by an affidavit verifying compliance with this rule.

Rule 6. Answer by the Defendant.

(a.) General. All defendants named in the complaint shall respond by written answer or by filing an appropriate motion in accordance with Rule 7(a).

(b.) Time. Defendant, including a defendant to any incidental demand, shall answer within fifteen (15) days of the service of

process upon him, or within ten (10) days of denial by the court of a motion filed pursuant to Rule 7(a). For purposes of these rules, the day of service shall not be included. The last day of the period shall be included unless it is Saturday, Sunday, or a Legal Holiday, in which case, the period shall end on the next day which is not a Saturday, Sunday, or Legal Holiday.

(c.) Contents. Defendant shall affirm or deny every allegation or claim by plaintiff in his complaint, provided that failure to affirm or deny any allegation or claim shall be deemed an affirmation of that allegation or claim. Defendant shall assert each and every defense, set-off, or compulsory counterclaim pursuant to Rule 8(a), provided that failure to assert any defense, set-off, or compulsory counterclaim shall be deemed a waiver thereof. Nothing in this rule shall prevent the assertion of two or more defenses in the alternative, even though the factual or legal basis thereof may be inconsistent or mutually exclusive.

Rule 7. Pre-trial Motions.

(a.) Preemptory Motions. Defendant shall assert any preemptory defense to plaintiff's claim in his answer or by motion filed with the Clerk prior to expiration of the period allowed for answer. Preemptory defenses shall be limited to the following:

(1) Lack of jurisdiction over the subject matter;

(2) Lack of jurisdiction over the person;

(3) Insufficiency of process or of service of process;

(4) Failure to state a claim on which relief can be granted; or,

(5) Dissolution of attachment where quasi in rem jurisdiction is asserted.

If defendant chooses to assert any preemptory defenses by motion he shall be deemed to have waived any preemptory defense he fails to assert in that motion. Defendant shall not be deemed to have submitted himself to the jurisdiction of the

court if he incorporates a preemptory motion in his answer. Service of defendant's motion shall be made in accordance with Rule 5.

(b.) Other Pre-Trials Motions. Any other application for an order of the court prior to trial shall be made in the form of a motion. All motions shall be in writing, shall state the specific grounds and reasons the motion should be granted, and shall set forth the exact relief or order sought. Service of any motion shall be made in accordance with Rule 5.

Rule 8. Incidental Demands.

(a.) Compulsory Counterclaim. Defendant shall assert as counterclaim any cause of action that arises out of the transaction or occurence that is the subject matter of the opposing party's claim, provided that adjudication of defendant's coounterclaim does not require the presence of parties or parties not subject to the court's jurisdiction. Defendant need not assert claims that have not arisen at the time that answer is required pursuant to Rule 6, or claims that are the subject of pending litigation.

(b.) Permissive Counterclaim. Defendant may assert as a counterclaim any cause of action against an opposing party not arising out of the same events that gave rise to the opposing party's claim.

(c.) Cross Claims. Any party may assert against a co-defendant to an original complaint or incidental demand a claim arising out of the same events that gave rise to the opposing party's claim.

(d.) Delay for Asserting Counterclaims and Cross-Claims. Counterclaims and cross-claims shall be served on the opposing party and filed with the Clerk within the delay allowed to answer the plaintiff's complaint in accordance with Rule 6. "Complaint" as used in this section shall include counterclaims or cross-claims asserted against the cross-claimant. "Plaintiff"

as used in this section shall include cross-claimants or counterclaimants.

(e.) Third-Party Practice. At any time after commencement of the action, any defending party may cause service of process to be issued against any third party subject to the jurisdiction of the court who is or may be liable to him for all or part of the plaintiff's claim against him. Third party defendants shall be served in the manner prescribed in Rule 4 for service of original complaints. All forms of third-party practice allowed by Rule 4 of the Federal Rules of Civil Procedure, as amended, shall be allowed in the Crow Tribal Court where not inconsistent with these Rules.

(f.) Intervention. The court shall allow intervention by a third party at any time prior to trial if

(1) an ordinance of the Crow Tribe provides a right of intervention, or

(2) adjudication of the claims before the court without the intervening party would impair or impede his ability to protect some right or interest he asserts.

After the trial has begun, the court may allow intervention, provided that any person asserting an interest in property seized by writ of execution shall be allowed to intervene prior to distribution of the proceeds of sale. The court may also permit intervention before trial when the third party's claim or defense and the original or main action have a question of law and fact in common. Application for intervention shall be served on all parties in the manner prescribed in Rule 5(c).

Rule 9. Amended and Supplementary Pleadings.

Amended and supplementary pleadings may be submitted with leave of court. A motion to amend pleadings or to submit supplementary pleadings shall be filed with the Clerk and served on all parties in the manner set out in Rule 5. The

motion shall be granted or denied ex parte unless the opposing parties object within three (3) days of receipt of the motion.

Rule 10. Pre-Trial Conference.

In order to expedite the disposition of a civil action, the court may order that a pre-trial conference be held. The judge assigned to hear the case shall call the conference, and all parties to the action and/or their legal representatives shall be required to attend. Matters to be considered at the pre-trial conference shall include:

(1) Clarification and/or simplification of issues;

(2) The need and/or desirability to amend pleadings;

(3) The possibility of obtaining admissions of facts in the case; and

(4) Such other matters as may aid in the speedy and just disposition of the case.

If the court in its discretion should call for a pre-trial conference, it should be called within fifteen (15) days after all pleadings have been filed. Notice setting forth the time, date, and place of the conference shall be sent to each party and/or their legal representative at least seven (7) days prior to the date of the conference.

Rule 11. Evidence and Discovery.

(a.) Evidence. The rules of evidence applicable to civil actions in the Crow Tribal Court shall be the Federal Rules of Evidence, as amended.

(b.) Discovery. Discovery shall be allowed in civil actions in the Crow Tribal Court, provided that Rules 26 through 37 of the Federal Rules of Civil Procedure, as amended, shall be the applicable rules of discovery in Tribal Court.

(c.) Subpoenas.

(1) Subpoena for Hearing or Trial: At the request of any party to civil action, subpoenas for attendance at a hearing or trial to be held by the court shall be issued by the court.

(2) Form: Every subpoena shall be issued under the signature of a judge of the court. Each subpoena shall state the name of the court and the title of the action shall command each person to whom it is directed to attend and give testimony and/or produce documentary evidence at the time and place specified in the subpoena.

(3) Contempt of Court: Failure by any person without an adequate and reasonable excuse to obey a subpoena served upon him may be deemed a contempt of court and punished accordingly.

(4) Service. Subpoenas shall be served in the manner described in Rule 4(d,e).

Rule 12. Jury Trials.

(a.) Procedure. Any party may demand a trial by jury by filing a written demand for a jury trial with the Clerk not less than ten (10) days prior to commencement of the trial, provided that trial by jury shall not be available in.

(1) A suit demanding less than one hundred dollars ($100.00) exclusive of interest and costs;

(2) A pre-trial motion or motion for summary judgment;

(3) A probate, partition, mandamus, habeas corpus, quo warranto, injunction, interpleader, guardianship, adoption, or divorce proceeding;

(4) A proceeding to review a Tribal or administrative decision; and,

(5) All cases where a jury trial is specifically prohibited by a Tribal law or ordinance.

Failure to timely demand a jury trial shall be deemed a waiver of the right to trial by jury.

(b.) Composition. All civil trials by jury shall be heard by a jury composed of six (6) persons.

(c.) Selection. The Crow Tribal Court may permit the parties, or their legal representatives, to conduct the examination prospective jurors, or the Court may conduct the examination itself. If the Court conducts the examination, then the Court shall permit the parties or their legal representatives to supplement the examination by further questions as the Court deems proper.

(d.) Challenges. In the examination of prospective jurors, each party shall have a total of three (3) pre-emptory challenges, or challenges without cause.

(e.) Trial by the Court. In all civil actions in which no wirtten demand for trial by jury has been made or in which no jury trial is permitted, the issues shall be tried by the court, provided that the court in its discretion, upon the motion of any party to an action in which juries are permissable, may order a trial by jury. Said discretion, however, is not to be exercised arbitrarily and the court should consider the dictates of general fairness to all parties in making a decision to grant such motions.

Rule 13. Assignment of Cases for Trial.

(a.) General. The Crow Tribal Court shall set for trial all civil actions coming before it. The trial docket shall be set in the discretion of the Chief Judge of the Crow Tribal Court, provided that upon the application of all parties to an action, the trial date may be set as requested.

(b.) Consolidation. The court may order consolidation of two or more lawsuits pending in Tribal Court if the suits share common question of law or fact. The court may order a single trial for some or all of the issues presented in the separate lawsuits.

(c.) Severance. The court may order severance of incidental demands from the original action.

(d.) Continuance. Upon the motion of any party the court may order a continuance for good cause shown. A motion for continuance, consolidation, or severance shall be filed with the Clerk and served on all parties in the manner prescribed in Rule 5. The court shall rule on the motion ex parte unless the opposing parties object within three (3) days of receipt of the motion.

(e.) Dismissal. An action shall be dismissed upon the motion of the plaintiff prior to answer. After answer and action may be dismissed on the joint motion of all parties or after a hearing on plaintiff's motion to dismiss. An action may be dismissed after answer without prejudice to plaintiff only upon a showing by plaintiff that justice can best be served through dismissal.

Rule 14. Trial Procedures.

(a.) Opening Statements. At the commencement of all civil trials, parties to the action shall be afforded the opportunity to make an opening statement. The plaintiff, or his legal representative shall make the first statement, and then the defendant, or his legal representative may make an opening statement.

(b.) Presentation of the Case. The plaintiff shall present his case first. The defendant may then present his defense.

(c.) Oath or Affirmation. Any and all witnesses testifying in a trial held before the Crow Tribal Court shall be required to swear on their oath to tell the truth. In lieu of an oath, a witness may testify based on a solemn affirmation to tell the truth.

(d.) Form of Testimony. In all trials held before the Crow Tribal Court, witnesses shall testify orally in open court, unless otherwise provided by rules adopted by the Crow Tribal Court.

(e.) Procedures of Testimony. The party calling a witness to testify shall begin the examination of the witness by "direct

examination". The opposing party shall then examine the witness by "cross examination". The party calling the witness, if it is desired, may then examine the witness by "re-direct examination"; the opposing party may then "re-cross examine".

(f.) Interpreters. If the court should find that an interpreter is needed for the examination of a witness in a trial, the court may appoint a non-interested person of the court's choice to serve as an interpreter for the party or parties involved. Compensation for the interpreter's services shall be considered part of the "costs" of the proceedings.

(g.) Final Arguments. At the end of the defendant's presentation of evidence, the court shall allow the plaintiff to present a final closing argument to the jury, if trial is by jury, or to the court. The defendant may then present his final closing argument.

(h.) Jury Instruction. At the close of evidence and final arguments in a trial by jury, the court shall instruct the jury as to the law and the meaning of the law involved in the case under consideration. The parties, or their legal representatives may file written requests that the court instruct the jury on the law as set forth in the requests. Opportunity shall be given to each party to make objections to a failure to give a requested instruction. Said opportunity shall be out of the hearing of the jury. A copy of the instructions given to the jury signed by the trial judge shall become a part of the permanent record of the trial.

Rule 15. Findings by the Court.

In all civil actions tried by the court without a jury, the court shall specifically decide the facts of the case and state separately its conclusions of law based on those facts. The findings of facts and conclusions of law shall be set forth in writing, signed by the trial judge, and made a part of the permanent record of the trial. The court may take the matter under advisement provided that it shall render a decision within

thirty (30) days of the close of trial. Notice of judgment shall be sent by registered mail to all parties when the matter is taken under advisement.

Rule 16. Judgment and Costs.

(a.) Judgment. Definition—"Judgment" as used in the rules includes a decree and any order of the court from which an appeal may be taken.

(b.) Entry of Judgment. Upon a general verdict of a jury, or upon a decision by the court that a party shall recover a sum certain and/or costs or other relief, or that all relief shall be denied, the court shall prepare, sign, and enter the judgment. Every judgment shall be set forth on a separate document and signed by the presiding judge.

(c.) Costs. Unless otherwise directed by the court, costs shall be allowed as of course to the prevailing party. Costs shall be prepared by both parties at the close of each trial and submitted to the Clerk.

(d.) Effect of Judgments. A final judgment or Order of the Crow Tribal Court or Court of Appeals shall be conclusive and binding upon the Crow Tribal court and Foreign Courts, and shall bar any new action between the same parties or their privies in the same controversy for the same or different remedies in the Crow Tribal Court or any Foreign Court. A copy of the judgment or order, duly certified by the Clerk of Court, shall be conclusive proof of the judgment or order.

Nothing in these Rules shall require the Crow Tribe to give effect to judgments of any other jurisdictions if that jurisdiction fails to give effect to judgments of the Crow Tribal Court or Court of Appeals.

Rule 17. Default Judgments.

(a.) Motion and Entry of Default. A motion of default may be made against any defendant who fails to answer a civil com-

plaint within the time prescribed in Rule 6. Default shall be entered in the minutes of the court by the Clerk upon filing of the motion.

(b.) Judgment of Default. Plaintiff shall present sufficient evidence in open court to support a default judgment in his favor, provided judgment of default shall not be rendered less than three (3) days after filing a motion of default.

(c.) Notice of Default Judgment. After judgment of default has been rendered by the court, the Clerk shall notify the party in default of the judgment by certified mail.

(d.) Setting Aside Judgment of Default. Within thirty (30) days of the judgment of default the party in default may apply to set aside the judgment for good cause shown, provided that nothing in this section shall prevent execution of judgment in accordance with Rule 8.

Rule 18. Stay of Proceedings to Enforce Judgment.

(a.) Automatic Stay. No writ of execution shall issue nor shall any proceedings by allowing for enforcement of judgment until ten (10) days after the entry of the judgment or mailing of notice of judgment when required.

(b.) Stay During Appeal. When an appeal of a final judgment or order of the Crow Tribal Court is taken the court, upon appellant's motion, may grant a stay of execution of judgment, provided that appelant post a surety bond sufficient to guarantee performance of the judgment, and payment of the costs of appeal, on or before the date of filing his appeal.

(c.) Injunction Pending Appeal. When an appeal is taken from the granting of a temporary restraining order or a final judgment, granting, dissolving, or denying an injunction, the court, in its discretion, may suspend, modify, restore, or grant an injunction during the pendency of the appeal upon such terms as the court considers proper for the security of the rights of the adverse party.

Rule 19. Special Judgments.

(a.) Summary Judgment. Summary judgment may be granted in Crow Tribal Court, provided that Rule 56 of the Federal Rules of Civil Procedure, as amended, shall be the law applicable in Tribal Court for this purpose.

(b.) Directed Verdict. In any case tried without a jury, the court may direct a verdict in favor of defendant if at the close of plaintiff's case it appears with legal certainty plaintiff cannot prove that which he claims.

(c.) Judgment N.O.V. A judgment *non obstante verdicto* may be granted in Crow Tribal Court, provided that Rule 50 of the Federal Rules of Civil Procedure, as amended, shall be the law applicable in Tribal Court for this purpose.

(d.) Declaratory Judgments. The Crow Tribal Court may grant declaratory judgments to determine rights, status, and other legal relations in any case it deems appropriate.

Rule 20. Execution of Judgments.

(a.) General Provisions.

(1) Foreclosure by any creditor to enforce payment of a debt secured by a mortgage, lien, or other security interest may only be authorized by judgment of the Crow Tribal Court.

(2) The court may summarily issue a writ of execution, upon the application of a judgment creditor, to satisfy the terms of any judgment, provided judgments rendered by the courts of any other jurisdiction may only be made executory by a judgment of the Crow Tribal Court specifically recognizing the order of the foreign court.

(3) The writ shall direct the Crow Tribal Police to seize and take possession of particularly described property. The court shall refuse to issue the writ if the application does not sufficiently describe the property to be seized.

(4) Seizure shall be made within 90 days of the issuance of the writ, provided that successive writs may issue upon re-application of the judgment creditor.

(b.) Preference. Seizure by writ of execution shall create a preference to the proceeds of a public sale of the thing(s) seized in favor of the judgment creditor. Security interests perfected prior to seizure are superior to the judgment creditor's preference and rank from the date of perfection. A security interest is perfected according to the law of the place the secured transaction occurred, provided that the Crow Tribal Court shall determine the validity of that security interest under the law of the place the transaction occurred.

(c.) Return. Notice to Judgment Debtor; Injunction. Upon seizure by writ of execution the Crow Police shall return to the Clerk a written list of the things seized. The Clerk shall immediately notify the judgment debtor of the seizure and the things seized by registered mail. At any time prior to sale of the things seized the judgment debtor may apply to the court for injunctive relief for any of the following purposes:

(1) To reduce an excessive seizure, if it can be shown that the value of the property seized exceeds the value of the seizing creditor's interest and the property is subject to division;

(2) To prevent the seizure of exempt property;

(3) To prevent the seizure if it be shown that some illegality has occurred in the proceedings prejudicial to the judgment debtor;

(4) To prevent the seizure if it be shown that the judgment has been satisfied.

(d.) Public Sale. Public sale of property seized shall be conducted by the Crow Police at the time and in the manner directed by the rules of court, provided that the court may order the sale to be made at public auction under the direction

of a professional auctioneer. In all cases the property to be sold shall be appraised and advertised for sale three times at weekly intervals in a newspaper of general circulation in the Crow Reservation area, provided that the court may order the immediate sale at public auction of perishable property.

(e.) First Offering. At the time and place set for public sale the property seized may not be sold for less than its appraised value in cash. If the thing seized fails to bring its appraised value at first offering it shall be re-advertised, in the manner set out in section (d) of this Rule, and offered for sale a second time. At the second offering, the thing seized shall be sold for whatever it will bring in cash.

(f.) Distribution of Proceeds. The proceeds from the public sale of the thing seized shall be distributed in the following manner:

(1) The costs of sale shall be deducted from the proceeds and paid into the court's general fund;

(2) Payment of security interests superior to the seizing creditor's as defined in section (b) of this Rule, provided that a creditor may intervene at any time prior to distribution of the proceeds of sale to assert a superior interest, provided further that failure to assert such an interest shall be deemed a waiver of preference to the thing seized;

(3) Payment of the seizing creditor's interest;

(4) Payment of inferior security interests;

(5) and, payment of the remainder to the judgment debtor.

Upon the written and signed return of the Crow Police or professional auctioneer stating a description of the property seized the name of the purchaser, and the value received, and upon payment in cash, the Clerk shall distribute the proceeds accordingly.

(g.) Act of Sale. Within five days of public sale and receipt of the purchase price in cash, the Clerk shall pass an act of sale to the purchases. The act of sale adds nothing to the force and effect of the adjudication, but is only intended to afford proof of it.

(h.) Nothing in this Rule shall prevent a seizing creditor from demanding seizure and sale of property to satisfy a debt of which all installments are not yet due.

(i.) Garnishment by writ of execution.

(1) The judgment creditor may petition the court for seizure of property belonging to the judgment creditor but under the control of a third person, including any amount of money the third person may be indebted to the judgment debtor.

(2) Annexed to the petition shall be interrogatories directed at establishing what interest of the judgment debtor the garnishee has in his custody. The petition and interrogatories shall be served in the manner provided in Rule 5, and answer shall be made in the manner provided in Rule 6.

(3) Failure to answer shall be cause for issuance of a subpoena to the garnishee demanding his presence at a hearing on the judgment creditor's petition. Costs of the hearing, including reasonable attorney's fees shall be assigned against the garnishee.

(4) If the garnishee admits in his answer, or it is found at the hearing of plaintiff's petition, that he has in his custody property belonging to the judgment debtor, the court shall order delivery of the property to the Clerk for distribution.

(j.) Examination of Judgment Debtor. To aid execution of a judgment the court may, upon the motion of a judgment creditor, order the judgment debtor to appear personally in court and produce any books, papers, and other documents relating

to his property as described in the motion. The date for examination of the judgment debtor shall be not less than ten (10) days exclusive of legal holidays after service of the motion and order of the court in accordance with Rule 5.

(k.) Exemptions. The following items shall be exempt from seizure by writ of execution:

(1) Clothing and apparel;

(2) Dishes, utensils, pots and pans;

(3) Beds and bed sheets and blankets;

(4) Books and musical instruments;

(5) Dining tables, stoves, refrigerators, heating apparatus and a single radio in good repair;

(6) Traditional Indian things, including but not limited to clothing, beadwork, teepee poles, etc.; provided, that no property shall be exempt from seizure to satisfy the debt incurred for purchase of that property.

(7) 25% of the debtor's net wages per week or $70.00 per week in net wages, whichever is greater, shall be exempt, provided that 35% of the debtor's net wages per week or $100.00 per week in net wages, whichever is greater, shall be exempt if the debtor supports himself and one or more dependents who cannot work.

(l.) Special rules of foreclosure upon individually held trust property. Actions in Tribal Court for foreclosure upon trust property mortgaged pursuant to 25 USC 483a shall be subject to the following special provisions:

(1) In cases where the Crow Tribe is the mortgagee, beneficial title to trust property subject to foreclosure shall vest in Crow Tribe without public sale upon payment to the mortgagor of the difference between the appraised value of the land, plus costs, and the amount of the debt.

(2) In all cases where the Crow Tribe is not the mortgagee, the Crow Tribe shall have the first option to purchase the property subject to foreclosure at private sale.

a. Notices of a judgment of foreclosure shall be sent by certified mail to the Tribal Chairman and the Chairman of the Land Resources Committee by the mortgagee.

b. Notice of intent to exercise the first option to purchase shall be mailed to the mortgagee within thirty (30) days of the date of mailing the notice of judgment.

c. If the Crow Tribe exercises its option to purchase, beneficial title shall pass in the manner prescribed in part (l.) (1).

(3) In cases where the Crow Tribe is not the mortgagee and the Crow Tribe does not exercise its option to purchase, the property shall be offered to individual Crow Indians in the following manner:

a. Notice of the offering shall be published in a weekly publication of general circulation on the Reservation for at least thirty (30) consecutive days prior to sale. The notice shall include the appriased value of the property, and the date, time, and place for accepting bids.

b. The sealed bids of individual Crow Indians shall be accepted at a time, date, and place specified by the mortgagee, provided that the place for accepting bids shall be within the Crow Reservation.

c. If no bid of an individual Crow Indian is equal to or greater than the appraised value of the land, the property may be offered for public sale in the manner prescribed in parts (d) through (g) of this Rule.

d. Beneficial title to the property shall pass to the individual Crow Indian upon payment to the mortgagee of the appraised value of the property, provided that the pro-

ceeds of the sale shall be distributed in the manner prescribed in part (f) of this Rule.

(4) For the purposes of this part, "appraised value" shall be defined as the fair market value of the property as determined by the appraisal staff of the Bureau of Indian Affairs.

(5) Legal title to trust property subject to foreclosure shall be considered to have remained in the United States throughout the proceedings in Tribal Court if

a. Beneficial title passes to the Crow Tribe in the manner described in part (l.) (1), or

b. Beneficial title passes to the individual Crow Indian in the manner described in part (l.) (3) (d).

If beneficial title does not pass to the Crow Tribe or an individual Crow Indian, the Indian mortgagor shall be considered to have been vested with an unrestricted fee simple interest from commencement of the suit.

(6) Should any part(s) of this Rule be held violative of the United States Constitution, an act of Congress, or the Constitution any By-laws of the Crow Tribe, all remaining parts of this Rule shall continue in effect until held unvalid or amended by the Crow Tribal Council.

Rule 21. Attachment.

(a.) General. Prior to judgment in an action to recover money, the court may issue a writ of attachment against any property subject to a writ of execution. The petition shall be accompanied by affidavit(s) showing that one of the following conditions exists:

(1) The defendant has done or is about to do some act that will place property subject to a writ of execution beyond the reach of his creditors or give an unfair preference to one or more of them; or

(2) The defendant is not subject to the personal jurisdiction of the court.

Nothing in this rule shall be construed to allow "self-help" repossession prior to judgment of property encumbered by a security interest.

(b.) Dissolution of writs. Defendant may move to dissolve the writ of attachment and recover damages and/or wrongful attachment without submitting himself to the jurisdiction of the court. The reasonable value of attorney's fees incurred through the motion to dissolve may be awarded as an element of damages. At the hearing on defendant's motion it shall be plaintiff's burden to prove that grounds for attachment exist.

(c.) Release. Defendant may obtain release of property subject to a writ of attachment by depositing with the court an amount equal to the appraised value of the thing seized. Security shall be returned to defendant if and when a judgment on the merits in his favor is final.

(d.) Property may not be sold subject to a writ of attachment until a judgment in favor of plaintiff is rendered and final and a writ of execution has issued, provided that the sale of perishables prior to judgment may be ordered in accordance with Rule 20, section (d.).

(e.) Special Rules Applicable.

(1) Attachment shall create a preference in favor of plaintiff that shall rank from the date of attachment according to the provisions of Rule 20, section (b.), provided that there shall be no preference if writs of attachment are dissolved in accordance with section (b.) of the Rule.

(2) Notice to the defendant that attachment has been made shall be served by the Clerk by registered mail after return of the Crow Police in accordance with Rule 20, section (c.).

(3) Garnishment by writ of attachment may be ordered in accordance with Rule 20, section (i.).

Rule 22. Injunction.

(a.) General. A permanent injunction shall issue in cases where irreparable injury, loss, or damage may otherwise result to the applicant, or in other cases specifically provided by law.

During the pendency of an action for permanent injunction the court may grant a temporary restraining order, a preliminary injunction, or both.

(b) Temporary Restraining Order.

(1) Issuance. A temporary restraining order may be granted without written or oral notice to the adverse party, or his legal representative, only if the facts shown by the applicant's verified complaint indicate that immediate and irreparable injury, loss, damage, or hom will result to the applicant before the adverse party or his legal representative can be heard in opposition.

(2) Form. Every temporary restraining order shall set forth the name of the court, the names of the parties involved, the time and date of the issuance of the order, and shall state the injury to be incurred and why it is irreparable, and why the order was granted without notice to the adverse party.

(3) Duration. Each temporary restraining order shall expire by its terms within the time set by the order. Said time shall not exceed ten (10) days, unless extended by the court for good cause shown.

(c.) Preliminary Injunction. Upon filing of a written motion for preliminary injunction by any party, the court shall order that a hearing be held not less than three (3) nor more than ten (10) days from the date the motion was filed. Notice of the hearing shall be sent to all parties by the Clerk. An order for preliminary injunction shall issue when it appears that irreparable harm or injury will result before trial of the petition for permanent injunction if the motion is not granted. An appeal may be taken by either party within ten (10) days of the court's decision.

(d.) Security. No temporary restraining order or preliminary injunction shall issue except upon the posting of security by the applicant, in such sum as the court deems proper, for the payment of such costs and damages as may be incurred or suffered by the party who is found to have been wrongful restrained or enjoined.

Rule 23. Extraordinary Remedies.

(a.) General Provisions. Upon plaintiff's petition for writ of habeas corpus, quo warranto, or mandamus, the court shall order the names defendant(s) to show cause why a write should not issue.

(1) A hearing on plaintiff's motion shall be held not less than three (3) nor more than ten (10) days, exclusive of legal holidays, after the issuance of the order.

(2) Defendant shall answer in writing before the hearing.

(3) The court shall render a written decision within forty-eight (48) hours of the hearing. If the court decides that a writ should issue, failure to comply shall be cause for issuance of a comtempt citation against defendant.

(4) Appeal of the court's decision shall not suspend the execution of the writ.

(b.) Habeas Corpus. A writ of habeas corpus shall command defendant who has custody or physical control of another person to release that person to the court. Any interested party may file a petition for writ of habeas corpus.

(c.) Mandamus. A writ of mandumus shall

(1) Direct public officer to perform duties required by law, or

(2) Compel a corporation or officer thereof to perform duties required by the corporate character or by-laws, or

(3) Compel a corporation or officers thereof to recognize the rights of corporate members or share holders.

The term "public officer" as used in this section and section (d.) of this Rule shall include former public officers and their heirs.

(d.) Quo Warranto. A writ of quo warranto shall order a public officer or officers of a corporation to cease exercise of the powers of office where no such authority exists.

Rule 24. Eviction.

(a.) General. Notice of vacate. When an owner or lessor of real property wishes to evict the occupant therefrom, after the right to occupancy has ceased, the owner or lessor or his agent, shall first cause a written notice to vacate the property to be delivered to the occupant. The notice shall allow the occupant ten (10) days from its delivery to vacate the premises, provided that the owner or lessor shall give notice to a lessee at least ten (10) days before the end of the month if the lease has no definite term.

(b.) Order To Show Cause. If the occupant fails to comply with a notice of eviction given accordance with section (a.), of this Rule, the court upon the motion of the owner or lessor, shall order the occupant to show cause not earlier than three (3) days, exclusive of legal holidays, after the service of the order upon him why he should not be evicted. The written motion shall include the specific reasons for eviction and shall be verified by the notarized affidavit of the owner or lessor.

(c.) Order of Eviction. If the court finds that the motion of owner or lessor should be granted, the court shall order the occupant to leave the premises within twenty-four (24) hours of issuance. Failure to comply with the order shall be cause for the issuance of a warrant to the Crow Police for physical eviction of the occupants.

(d.) Appeal. Either party may appeal the court's ruling on owner or lessor's motion, but appeal shall not suspend the execution of the court's order.

Rule 25. Parties.

(a.) Real Party Interest. Every action in the Crow Tribal Court shall be prosecuted in the name of the real party in interest, except that an executor, administrator, guardian, bailee, trustee, a party with whom or in whose name a contract has been made for the benefit of another, or a party authorized by statute may bring suit in his name without joining the party for whose benefit the action is brought.

(b.) Capacity.

(1) Minors. Parents or guardians of persons under eighteen years of age shall sue or be sued on behalf of the minor in their custody.

(2) Incompetents. Persons adjudged incompetent of managing their affairs or caring for their physical needs shall sue or be sued through their guardians.

(3) Guardians ad litem. Minors or incompetents who do not have a parent or guardian may sue by his next friend or by a guardian ad litem.

(c.) Joinder. Joinder of claims, remedies, and parties shall be allowed in the Crow Tribal Court, provided that Rules 18, 19, 20, 21, and 22 of the Federal Rules of Civil Procedure, as amended, shall be the law applicable in Tribal Court for this purpose.

(d.) Class Actions. The Crow Tribal Court may entertain class actions provided that Rules 23, 23.1, and 23.2 of the Federal Rules of Civil Procedure, as amended, shall be the law applicable in Tribal Court for this purpose.

(e.) Substitution. It shall be within the discretion of the Crow Tribal Court to order substitution of parties in any action before the court.

Rule 26. Small Claims Procedure.

(a.) General. In cases where the amount in controversy, or the value of personal property involved, does not exceed one hundred dollars ($100.00), plaintiff may elect to invoke the small claims procedure of the Crow Tribal Court as provided in sections (b.) through (j.). The purpose of this procedure is to provide a quick and inexpensive means for persons subject to the jurisdiction of the court to assert minor claims.

(b.) Availability. Plaintiff who is not represented by an attorney may elect to invoke the small claims procedure of the Crow Tribal Court by completing a petition form provided by the Clerk and payment of a fee of five dollars ($5.00), provided that where the amount in controversy is less than twenty dollars ($20.00), the amount due upon filing the petition form shall be one dollar ($1.00).

(c.) Restrictions. Small claims procedures may not be invoked in the following instances:

(1) A case asserting title to real property, involving a right to Tribal office or position, or involving a civil or political right;

(2) A case involving the domestic relations of husband and wife, including property, support, and alimony claims incident to marriage;

(3) A probate, guardianship, emancipation, partition, receivership, liquidation, haveas corpus, or quo warranto proceeding;

(4) A case where attachment or eviction is sought;

(5) A case in which the Crow Tribal is a defendant; and,

(6) Any other case or proceeding excepted by law.

(d.) Commencement of Suit. Upon receipt of the petition form and filing fee, the Clerk shall set a final date and notify the plaintiff, orally or in writing. The Clerk shall notify defendant(s) by service of citation containing the following information:

(1) The date and time of trial of plaintiff's claim and the location of the court;

(2) The date on which written answer shall be filed in accordance with section (e.) of this Rule;

(3) The plaintiff is not represented by an attorney and that the court can award attorney's fees in accordance with section (f.) of this Rule; and,

(4) A copy of plaintiff's petition form.

Service of process shall be made by certified mail.

(e.) Answer. Defendant(s) who is represented by an attorney or who intends to assert a counterclaim, third party demand, or cross claim, shall file his answer in writing with the Clerk within five (5) days, exclusive of legal holidays, after service of citation. In all other cases, defendant need not answer in writing and may state his answer to the court at the trial of the plaintiff's claim. Failure to assert an incidental demand by timely written answer shall not be deemed a waiver of defendant's cause of action, but the court may stay the proceedings to allow plaintiff, co-defendant or third-party defendant time to answer. If defendant fails to appear at the trial and plaintiff proves his case to the satisfaction of the court, a final judgment in favor of plaintiff may be rendered without prior default.

(f.) Attorneys. If defendant is represented by an attorney the court may stay the preceedings to allow plaintiff to obtain representation. Should judgment be rendered in favor of plaintiff, the court may in its discretion order defendant to pay plaintiff's expenses, including reasonable attorney's fees.

(g.) Dismissal. If after answer, plaintiff fails to appear at the trial, judgment shall be rendered dismissing the suit with prejudice, at plaintiff's cost.

(h.) Judgment. The judgment shall be in writing and signed by the Judge. Notice of judgment shall be served on a defendant against whom judgment is rendered if defendant failed to answer in writing or in person. Execution of judgment shall be carried out through the procedures enumerated in Rule 20.

(i.) Appeal. Within ten (10) days, exclusive of legal holidays, any party wishing to appeal a decision of the Tribal Court rendered through small claims procedure shall petition the trial judge for trial do novo to be heard under the normal procedures of the Tribal Court, provided that if appellant is unsuccessful at the second trial the court shall order appellant to pay the expenses appellee incurs as a result of the appeal, including reasonable attorney's fees.

Rule 27. Limitations.

All actions upon a judgment or decree of the Crow Tribal Court shall be commenced within ten (10) years of the date it was rendered. All other actions shall be commenced within two (2) years of the date the cause of action arose.

APPENDIX C

TITLE 7 RULES OF APPELLATE PROCEDURE IN THE CROW COURT OF APPEALS

Rule 1. Scope of Rules.

These rules shall govern the procedures in appeals from Civil and criminal judgements and/or final orders of the Crow Tribal Court and the Crow Juvenile Court.

Rule 2. When An Appeal May Be Taken.

(a) Appeals of right. Any party to an action in the Crow Tribal Court shall have the right to appeal any criminal convictions or any judgement or order in a civil case before the court, except as provided in part (b) of this rule and Title 6, Rule 22.

(b) Discretionary appeals. It shall be within the discretion of the Crow Court of Appeals to entertain appeals in the following cases.

1. Conviction of any traffic offense;
2. Order of eviction;
3. Judgments rendered through the small claims procedure of the Crow Tribal Court; and,
4. Orders or judgments of the Crow Tribal Juvenile Court.

Rule 3. Appeal of Right—How Taken.

(a) Filing of Notice of Appeal, Civil and Criminal: An appeal of judgment or order of the Crow Tribal Court shall be taken by filing a notice of a appeal with the Clerk of the Crow Tribal Court within ten (10) days of the date of the entry of judgment or order appealed from, provided that upon a showing of ex-

cusable neglect, the Crow Tribal Court may extend the time for filing of the notice of appeal by any party for a period not to exceed thirty days from the expiration of the normal period allowed for the filing of a notice of appeal.

(b) Notice of Appeal; Form—The notice of appeal, whether it involves a Criminal or Civil action; shall specify the name of the Court from which the appeal is taken, the name of the party or parties taking the appeal, the judgment or order from which the appeal is taken and the court to which the appeal is taken.

(c) Services of the Notice of Appeal: The Clerk of the Crow Tribal Court shall serve notice of the filing of notice of appeal, whether a civil or criminal action is involved, by mailing a copy of the notice of appeal to each party and each party's legal representative. The Clerk shall note on each copy when the notice of appeal was filed.

Rule 4. Preliminary Injunction.

(a) Temporary Restraining Order and Preliminary Injunction: How Taken. An appeal from the granting of a temporary restraining order or preliminary Injuntion may be sought by filing a petition for permission to appeal with the clerk for the court within five (5) days after the entry of such order by the Crow Tribal Court.

(b) Form or Contents of Petition: The petition shall contain a statement of the facts necessary to understand the issues and questions of law involved, a statement of the reasons the order should be lifted, and a statement of injuries, damages, or harm being incurred by the petitioner.

Rule 5. Discretionary Appeal—How Taken.

(a) Application to file a discretionary Appeal. In those cases where the Court of Appeals may within its discretion entertain an appeal, appellant shall file a notice of appeal in the manner set out in Rule 3. Within 20 days of filing a notice of appeal. Appellant shall submit to the court an application to file a

discretionary appeal and brief in support of his application. Appellee may express his opposition to the application by filing a brief within fifteen (15) days after receipt of appellant's brief in support of the application.

Rule 6. Release Pending Appeal of A Criminal Conviction.

Application for the release of a convicted defendant pending appeal of the judgement of conviction shall first be made in the Crow Tribal Court. If the Crow Tribal Court refuses to release pending appeal, or imposes conditions of release, the Crow Tribal Court shall state in writing the reasons for the action taken. Thereafter, if an appeal is pending, appellant may motion for release, or modification of conditions of release, to the Crow Court of Appeals or a judge thereof. Such a motion shall be determined promptly after appellant and appellee present their oral and/or written arguments on the motion.

Rule 7. Record.

(a) Composition of Record on Appeal, the original papers and exhibits filed in the Crow Tribal Court, the transcript of the proceedings, if any, and a certified copy of the final judgment or order appealed from shall constitute the record on appeal in all cases, civil and criminal.

(b) Statement of Proceedings when no report or transcript made! If no report of the evidence or proceedings at a trial or hearing was made, or if a transcript is unavailable, the appellant may prepare a statement of the evidence and proceedings. Said statement shall be filed with the Clerk of the Crow Tribal Court. The appellant shall serve a copy of the statement on appellee, and the appellee shall have ten (10) days to raise objections and propose amendments to the statement and file those objections and proposed amendments with the Clerk of the Crow Tribal Court. The Crow Tribal Court shall settle the

objections, make any necessary amendments, and finally approve the statement for inclusion in the record of appeal.

Rule 8. Transmission of the Record.

(a) The record on appeal, including the transcript or statements of proceedings, shall be completed and turned over to the Crow Court of Appeals within thirty (30) days after the notice of appeal is filed by appellant or application for discretionary appeal is granted unless the Crow Tribal Court extends the time for good cause shown. Appellant shall take whatever action is necessary to enable the Clerk of the Crow Tribal Court to assemble the record, including paying for the cost of preparing transcripts.

(b) When the record on appeal is complete, the Clerk of the Crow Tribal Court shall transmit a complete copy of the record to each judge of the Crow Tribal Court of Appeals who have been designated to hear the appeal. The time and date of the transmission shall be noted on each copy of the record.

(c) Upon transmission of the record on appeal to the judges of the court of appeal and upon receipt of a docket of the Crow Court of Appeals.

Rule 9. Filing and Service of Document on Appeal.

(a) Filing: Parties to an appeal shall file an original and four (4) copies of any and all papers required or permitted with the Clerk for the Crow Court of Appeals.

(b) Service of Papers: Copies of all papers filed with the Clerk of the Crow Court of Appeals by parties to an appeal shall be sent by certified mail to opposing parties and their legal representatives by the party filing such papers. All papers filed with the Clerk shall be accompanied by a written statement of the party filing such papers or his legal representatives certifying that such papers have been mailed to the opposing party(s) or his legal representative(s).

Rule 10. Briefs, Memoranda, and Statements.

Within twenty (20) days after the record of an appealed action is transmitted to the Crow Court of Appeals, the appellant shall file a written brief, memorandum, or statement in support of his appeal with the Clerk of Court. The appellee shall have fifteen (15) days after receipt of appellant's brief, memorandum or statement within which to file a reply brief, memorandum, or statement. Filing and service in either case shall be accomplished in the manner provided in Rule 9. No further response shall be allowed to either party without leave of court.

Rule 11. Amicus Curiae.

In any appellate proceeding, amicus beiefs, memoranda or statements shall be permitted only in the following situations:

1. When all parties to the action consent to the filing of an amicus curiae brief, memorandum, or statement;
2. By leave of court pursuant to a properly filed motion; and,
3. At the request of the court.

Rule 12. Oral Argument.

(a) Provision for: The Crow Court of Appeals shall decide all upon the briefs, memoranda, and statements filed together with the record of the trial court, without oral arguments unless either party requests oral argument and shows the court that such is necessary and/or will aid the court in its decision. Nothing in these rules, however, shall its decision. Nothing in these rules, however, shall preclude the court from ordering oral arguments on its own motion.

(b) Procedure: When oral argument are ordered, the clerk of Court shall notify both parties of the specific time, date, and place the arguments are to be heard. At the hearing both appellant and appellee shall have a maximum of twenty (20) minutes to present their respective arguments. Appellant shall be permitted to both open and close the arguments.

Rule 13. Decision.

All decisions of the Crow Court of Appeals shall be arrived at by a simple majority of the three judge panel. All decisions shall be issued in written form, and all judgements on appeal shall be final.

Rule 14. Frivalous Appeals.

If the Crow Court of Appeals finds that a party has filed a frivalous appeal, the Court may award the appellee his just damages plus single or double costs.

Rule 15. Costs.

If an appeal is dismissed by the Crow Court of Appeals, appellant shall pay all costs of the appeal. If the judgement of the trial court is affirmed, the court, in its discretion, may order the appellant to pay all costs of the appeal or direct the parties to pay a designated portion of the costs. If the judgement of the trial court is reversed, the court, in its discretion may order the appellee to pay all costs of the appeal, or direct the parties to pay a designated portion of the cost.

Rule 16. Issuance of Mandate.

A mandate of the Crow Court of Appeals shall issue ten (10) days after entry of judgement in the appeal.